FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 317 OF 2004

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. K. Narayanan i/by Narayanan and Narayanan for petitioners.

Ms. Pooja Sood i/by M/s. Irbd Ass. for Respondent No.1a, 1c and 1d.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. This petition has been filed by the original plaintiffs in Regular Civil Suit No. 764 of 1993 and the same suit was dismissed by the learned II Additional Judge, Small Causes Court at Pune. The plaintiffs, therefore, filed Civil Appeal No. 791 of 2001, which came to be dismissed by the learned 3rd Additional District Judge, Pune on 1/4/2003.

. The petitioners, therefore, have a statutory remedy of filing a Civil Revision Application under

Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners-plaintiffs to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)